

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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United States of America

**Ex rel,
Vera Boykin**

Plaintiffs,

Vs.

**MORGAN STANLEY CAPITAL HOLDINGS LLC,
VINCENT G. RICIGLIANO,
FV-1, INC. IN TRUST FOR MORGAN STANLEY
MORTGAGE CAPITAL HOLDINGS LLC
KML LAW GROUP, P.C
STERN, LAVINTHAL & FRANKENBERG, LLC
SEAN ADAMS
RICHARD ABEL
KRISTINA G. MURTHA
BERGEN COUNTY SHERIFF
IN HIS INDIVIDUAL CAPACITY**

JOHN/JANE DOES

DOCKET NO:

CIVIL COMPLAINT

**FOR DECLARATORY AND INJUNCTIVE
RELIEF AND DAMAGES FROM
RACKETEERING, CONSPIRACY TO ENGAGE
IN A PATTERN OF RACKETEERING ACTIVITY,
AND RELATED CLAIMS AND TO QUIET TITLE
& FOR OTHER RELIEF HEREIN STATED;**

PROPERTIES IN THIS ACTION:

**220 West Hudson Street
Englewood, NJ 07631
Lot 13, Block 409**

**PURSUANT TO VIOLATIONS OF THE UNITED
STATES CONSTITUTION; VIOLATIONS FEDERAL
CIVIL RICO STATUTES; VIOLATIONS OF 42 U.S.
Code § 1985/1986, INTERNATIONAL TREATIES, ETC,**

**JURY TRIAL DEMANDED FOR EACH AND
EVERY CAUSE OF ACTION**

CIVIL COMPLAINT

PRELIMINARY STATEMENT

(Intentional violations of the United States Constitution and other Internationally established Laws made by the United States Congress in pursuance thereto by all named defendants; Intentional exhibition and practice of deliberate and capricious indifference to the United States Constitution and the established Laws made by the United States

Congress in pursuance thereto by all named defendants; Capricious Unconstitutional theft of proprietary interest in plaintiff's property BY ALL NAMED DEFENDANTS under naked color of law IN CLEAR violation of established Constitutional principles of law GOVERNING THE PAYMENT OF ALL DEBT AT LAW IN THESE UNITED STATES SINCE 1933 AS MANDATED BY THE UNITED STATES CONGRESS; VIOLATIONS OF THE FEDERAL CIVIL RICO STATUTES, TO WIT, Racketeer Influenced and Corrupt Organizations Act ("RICO") 18 U.S.C. §1961 et seq; VIOLATIONS OF 42 U.S. Code § 1985/1986 - Conspiracy to interfere with civil rights/Action for neglect to prevent; VIOLATIONS BY ALL NAMED DEFENDANTS OF THE LETTER OF PUBLIC LAW : CHAP. 48, 48 STAT. 112, deemed provident in the disposition and settlement of security instruments (DEBT OBLIGATIONS) used in commerce within the PROVISIONS OF CHAP. 48, 48 STAT. 112 , IN SO DOING ALL NAMED DEFENDANTS HAVE JOINED TOGETHER TO DEPRIVE PLAINTIFF TITLE AND PEACEFUL ENJOYMENT OF HER PRIVATE PROPERTY AND IRREPRABLY DAMAGE HER TO WHICH END THIS COURT MUST INTERVENE TO ACCORD ESTABLISHED UNALIENABLE REMEDIES TO THE PLAINTIFF; INTENTIONAL VIOLATIONS BY DEFENDANTS OF THE Universal Declaration of Human Rights, G.A. Res. 217A, at art. 8, U.N. GAOR, 3d sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) ("Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the

[C]onstitution or by law."); International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), at art. 2, U.N. Doc. A/6316 (Dec. 16, 1966) ("Each State Party to the present Covenant undertakes: to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy. . . ."); ALL OF WHICH THE UNITED STATES IS A SIGNATORY AND TREATY MEMBER

1. Plaintiff, Vera Boykin, repeats and re-alleges the foregoing paragraphs and integrate them fully herein,
2. This is an action for injunctive and declaratory relief under 42 U.S.C 1982, 42 U.S. Code § 1985 - Conspiracy to interfere with civil rights; Racketeer Influenced and Corrupt Organizations Act ("RICO") 18 U.S.C. §1961 *et seq*, seeking an order for injunctive and award of punitive damages AND TO QUIET TITLE against THE NAMED DEFENDANTS,WHO HAVE JOINED TOGETHER TO violently terminate plaintiff's de jure unalienable property rights protected in the original United States Constitution UNDER COLOR OF LAW, OFFICE AND AUTHORITY WITHOUT SUBSTANTIVE DUE PROCESS COUPLED WITH CONTUMACIOUS BAD FAITH DEALING, BIAS,UNCLEAN HANDS BY THE NAMED DEFENDANTS AND STATE ACTORS ENMESHED IN IT.

3. Plaintiff respectfully alleges that the said arbitrary dispossession of her private property rights by DEFENDANTS remains continuous, imminent and unconscionable causing continuing and ever present irreparable damages against her and denying and disparaging her guaranteed substantive due process rights to the peaceful enjoyment of her private property and as such they must be enjoined and their unconstitutional actions declared null and void by this court in conformity with public policy and preservation of status quo.

JURY DEMAND

4. Plaintiff demands trial by Jury for each and every one of their claims pursuant to Federal Rules of Civil Proceedings 38(a) and (b).

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. Jurisdiction is also proper pursuant to 18 U.S.C. § 1965, which allows for nationwide jurisdiction pursuant to the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968
6. This Court also has subject matter jurisdiction over this action based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(2)

7. This Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367.

FACTUAL ALLEGATIONS

8. The Plaintiff in this action, **Vera Boykin**, is a United States National who retains and maintains ownership interests in the property named in this complaint,
9. The Real Property (“Property”) in this complaint are located and found within this District and as such this court has jurisdiction
10. **Plaintiff, Vera Boykin**, is at all times herein mentioned the bona fide title holder and secured party of the property in this action, accurately described as 220 West Hudson Avenue, Englewood, NJ 07631, County of Bergen, New Jersey State, pursuant to a bona fide deed duly recorded on 4/25/2011, at the Bergen County Clerk [Please see **exhibit A**]
11. Upon information and belief defendants MORGAN STANLEY CAPITAL HOLDINGS LLC, VINCENT G. RICIGLIANO, FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, KML LAW GROUP, P.C STERN, LAVINTHAL & FRANKENBERG, LLC, SEAN ADAMS, RICHARD ABEL, KRISTINA G. MURTHA, BERGEN COUNTY SHERIFF IN HIS

12. **CLAIMS OF VIOLATION OF PLAINTIFF'S RIGHTS SECURED
IN US CONSTITUTION BY DEFENDANTS**

13. Upon information and belief defendants **KML LAW GROUP, P.C, KRISTINA G. MURTHA, SEAN ADAMS, RICHARD ABEL, STERN, LAVINTHAL & FRANKENBERG, LLC**, are the co-conspirators helping defendant FV-1 to pry away private property through fabrication and corruption.
14. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, each of the defendants-claimants sued herein was the agent and or employee of each of the remaining defendants and was at all times acting within the purpose and scope of such agency and employment.
15. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, the interests or ownership claims in the property in this action by **FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC**, and its assigns, agents, and successors in interest, are false and of equitable value and relied on a fabricated/false "AFFIDAVIT OF CONSIDERATION" forged

**by defendants SEAN ADAMS, STERN, LAVINTAHL &
FRANKENBERG, LLC,**

16. Plaintiff alleges further that even if the alleged ownership claims by defendants **FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC**, were not false, such bogus claims will still remain subordinate/inferior plaintiff's bona fide CERTIFIED UCC-1 claims established against the property and defendants **successors in interest**.
17. Plaintiff alleges further that defendants **FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC**, have refused to pay the value of the lien claims against them and as such the court should enforce plaintiff rights by compelling the said defendants to pay the full value of their debt to plaintiff to the value of \$200,000,000 (two hundred million dollars).
18. Plaintiff accuses defendants, **FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, SEAN ADAMS, STERN, LAVINTAHL & FRANKENBERG, LLC, KML LAW GROUP, P.C, and other cohorts** of fabricating a false value of \$100, as the true value of the property in this action in a certain document titled "AFFIDAVIT OF CONSIDERATION" forged on

October 28th, 2015, to not just evade taxes, but to shield this fact from the UNITED STATES SECURITIES & EXCHANGE COMMISSION (SEC), THE INTERNAL REVENUE SERVICE (I.R.S.), to whom they must report all financial dealings.

19. Plaintiff respectfully prays the court to cancel any and all ownership claims by defendants as void and obtained through fabrication, artifice and assertion of corrupt influences.
20. The defendants sued herein and others similarly situated acting in concert with the sheriffs of Bergen County have continued to ignore & violate Article 1, Section 10, clause 2 of the US Constitution, Article 6 of the US Constitution, the supremacy clause in that they have joined together in conspiracy with the ATTORNEYS SUED HEREIN TO WIT, **KLM LAW GROUP, PC, KRISTINA G. MURTHA, STERN, LAVINTHAL, SEAN ADAMS, RICHARD ABEL, FRANKENBERG, NORGAARD, LLC, VINCENT G. RICIGLIANO**, to unconstitutionally take the plaintiff's property by naked BRUTE force, and as such an immediate injunction is needed to put a halt to their predatory acts of abuse of public office and trust.
21. **DEPRIVATION OF RIGHTS UNDER INTERNATIONAL TREATY**

22. Plaintiff's secured rights have been capriciously and wantonly made void and improvident by the continuing predatory acts of all defendants named herein; said defendants have violated and continue to violate the letter of Universal Declaration of Human Rights, G.A. Res. 217A, at art. 8, U.N. GAOR, 3d sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) ("Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the [C]onstitution or by law."); International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), at art. 2, U.N. Doc. A/6316 (Dec. 16, 1966) ("Each State Party to the present Covenant undertakes: to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy. ...");
23. As such this court must issue an injunction to stop all evictions and foreclosure actions involving the said defendants who are financially entangled with the State of New Jersey to preserve confidence in the judicial process.
24. **VIOLATIONS OF CIVIL RICO, 18 U.S.C. 1961 ET SEQ**
25. Plaintiff repeats and re alleges all paragraphs above as if fully set forth herein

26. 18 USC 1962 (a): “It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.”
27. **Defendants in this action and their agents, and** successors-in-interest are Persons within the meaning of 18 U.S.C. § 1961(3).
28. **Defendants in this action and their agents, and** successors-in-interest have established an enterprise of which the activities affect interstate commerce pursuant to 18 USC § 1961 section 1958.
29. This Action concerns violations of law pertaining to the improper and illegal drafting, execution and public recording of assignments, conveyances, transfers, sales, and foreclosure documents used to unlawfully and illegally divest Owners/plaintiffs of their lawful property in violation of Federal Laws enacted by the United States Congress as authorized by the US Constitution.

30. As a separate count of Mail Fraud took place each and every time a fraudulent pleading, Affidavit, Fraudulent Endorsement, Promissory Note Assignment, mortgage or mortgage assignment, ORDERS OF THE COURT, was sent by **defendants in this action and their agents, and** successors-in-interest through the use of the UNITED STATES mail, Likewise, any documents sent via electronic mail, as would be the case as part of a Federal action electronically filed with any Court, would constitute a separate act of wire fraud.
31. By sending fraudulent pleadings to the clerks of court, judges, attorneys, and defendants in foreclosure cases, **defendants in this action and their agents, and** successors-in-interest and Co-Conspirators in concert with other Co-Conspirators, intentionally participated in a scheme to defraud plaintiffs and others similarly situated across America.
32. Swearing under oath with the Securities and Exchange Commission (“SEC,”) and the Internal Revenue Service (“IRS,”), that defendants, FV-1, INC. IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, as well as its Co-Conspirators, along with other sellers of MBS Securities as mortgage asset “pass through” entities, wherein **they can never own the mortgage loan assets in the**

MBS, allows them to qualify as a Real Estate Mortgage Investment Conduit (“REMIC”) rather than an ordinary Real Estate Investment Trust (“REIT”). As long as the MBS is a qualified REMIC, no income tax will be charged to the MBS.

33. However by turning around and suing plaintiff in foreclosure and acting by false pretenses as though it “owned” the NOTE and claiming that plaintiff “owed” them money they have participated and carried out the unlawful predicate acts prohibited by the RICO ACT.
34. These predicate acts are related. Their common purpose is to defraud the plaintiff in this action and those similarly situated across America of their private investments, money and property. They share the common themes of “non-documentation” and concealment of the real parties in interest.
35. A plaintiff in a RICO action must allege either an “‘open-ended’ pattern of racketeering activity (i.e., past criminal conduct coupled with a threat of future criminal conduct) or a ‘closed-ended’ pattern of racketeering activity (i.e., past criminal conduct ‘extending over a substantial period of time’).” *Special Purpose Accounts Receivable Co-op. Corp. v. Prime One Capital Co., L.L.C.* 202 F.Supp.2d 1339 (S.D.Fla.,2002), citing *H.J. Inc., supra*, 492 U.S. at 241.

36. **DAMAGES CAUSED PLAINTIFF BY DEFENDANTS**

37. As a direct and proximate result of the complained of acts in the RICO enterprise in violation of 18 U.S.C. § 1962, of which these actions were part of executed by defendants and successors-in- interest in concert with its Co-Conspirators, Owners and their family in the instant case, as well as Millions of other similarly situated homeowners across this great nation, have suffered, and continue to suffer, damages including but not limited to the following:

VIOLENT repossessions of their lawful properties

reduction in property value;

severe and irreparable damage to the Owners' credit scores,

the facing of FALSE foreclosure litigation;

the loss of reputation and work because of the stigma of foreclosure;

mental anguish, anxiety, humiliation and emotional harm;

Significantly affected the health of the plaintiffs, and their household in general and special actual damages

PRAYER FOR RELIEF

WHEREFORE, as a result of the aforementioned reasons set forth above which clearly constitute violations of the CIVIL RICO pursuant to 18 U.S.C.A. § 1962 plaintiff respectfully requests the following relief:

38. Award Plaintiff Declaratory Judgment against defendants and their successors-in-interest, which voids/extinguishes any claims/security interest that they purport to hold in **the property in this action** whether real or implied.
39. Award Plaintiff monetary damages from ALL NAMED defendants and/or their successors-in-interest in the amount of their personal assets which cumulatively will represent a quantitative monetary value of \$100,000,000 (One Hundred Million dollars) being a fair assessment of the irreparable damages caused plaintiff through all the foregoing mentioned acts of tort committed by them and theirs.

VIOLATIONS OF 42 U.S. CODE § 1985/1986 - CONSPIRACY TO
INTERFERE WITH CIVIL RIGHTS/ACTION FOR NEGLIGENCE
TO PREVENT

40. Plaintiff repeats and re alleges all paragraphs above as if fully set forth herein
41. In pertinent part, 42 U.S. CODE SECTION 1986s says;
"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful

act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

42. WHEREFORE Plaintiff claims the maximum amount allowed in the above cited statute against each and every named defendant, in their individual and other capacities

Other Claims for Relief

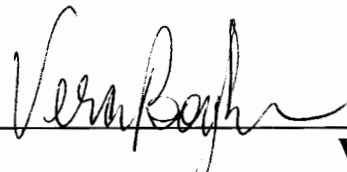
43. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

44. Wherefore said defendants, acted willfully, arrogantly, unlawfully and illegally and therefore violated Federal Statutes at 42 U.S.C 1982 by acting in unison to ignore and repudiate THE LAWS OF THE UNITED STATES OF AMERICA and the treaties therefrom claiming THEY DO NOT EXIST, and sufficient in effect to cause an injunctive, declaratory, and punitive relief voiding any and all claims they have illegally and unlawfully retained in the property in this action, in other to bring partial relief to the incalculable losses suffered by plaintiff, including but not limited to emotional stress, continuing anxiety and economic uncertainty.
45. Plaintiff respectfully requests that the court declare that the defendants' actions constituted violent SELF-HELP illegal eviction, invasion, unbridled destruction of private property, which appear to be unconscionable and malicious in nature and therefore violative of both Federal and State Laws.
46. Plaintiffs seek monetary damages of One hundred million dollars (**\$100 million dollars**) as **compensatory damages against all named defendants herein.**
47. **Plaintiff respectfully requests the court to declare that ALL NAMED DEFENDANTS DO NOT RETAIN ANY INTERESTS,**

**CLAIMS, TITLES or emoluments in the properties in this action
and as such plaintiffs have an unalienable right to remain in
peaceful occupation of their properties.**

48. Plaintiff prays this court to award such other relief including reasonable
court costs as it may deem proper.

DATED: January 31, 2018
Bergen County, NJ

By: 
Vera Boykin
220 West Hudson Street
Englewood, NJ 07631

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**United States of America
Ex rel,
Vera Boykin**

Plaintiffs,

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**MORGAN STANLEY CAPITAL HOLDINGS LLC,
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KRISTINA G. MURTHA
BERGEN COUNTY SHERIFF
IN HIS INDIVIDUAL CAPACITY**

DEFENDANTS

DOCKET NO: 2:16-cv-05543-JLL-JAD

CIVIL COMPLAINT

NOTICE OF LIS PENDENS

PROPERTY IN THIS ACTION:

**220 West Hudson Street
Englewood, NJ 07631
Lot 13, Block 409**

NOTICE OF LIS PENDENS

TO WHOM IT MAY CONCERN:

Notice is hereby given of the commencement and pendency of the above-captioned Civil Action, the general objects of which are:

1. To quiet title to the named property in this action against all named defendants and vest it permanently on plaintiff.
2. To obtain judgment declaration and determination that Plaintiffs are the rightful holders of title to the properties mentioned in the caption above and that defendants-claimants herein, and each of them, be declared to have no estate, right, title or interest in said property;

3. For a judgment forever enjoining said defendants-claimants herein, and each of them, from claiming any estate, right, title or interest in the subject property;
4. The Amended complaint in the above entitled action was filed in the Office of the Clerk of the United States District Court, District of New Jersey on
_____2018.

Date: 1/31/2018

By: Vera Boykin
Vera Boykin
220 West Hudson Street
Englewood, NJ 07631